



TO: The Honorable Members of the House Labor and Industry Committee

FROM: Alex Halper, Director, Government Affairs

DATE: Oct. 29, 2019

RE: Support H.B. 1234 – Addressing workers’ compensation *Tooley* court decision

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I write on behalf of the PA Chamber of Business and Industry to urge your support for H.B. 1234, which would amend Pennsylvania’s workers’ compensation law in response to a court decision known as the *Tooley* case. We understand this bill is scheduled to be considered today.

For over one hundred years Pennsylvania’s workers’ compensation law has facilitated a no-fault system for paying wage and medical benefits for employees hurt on the job. The “grand bargain” provided stability and predictability for both sides: workers’ comp would be the exclusive remedy for eligible claimants who are guaranteed benefits rather than requiring them to pursue lengthy and uncertain lawsuits against employers.

In *Tooley*, the PA Supreme Court ruled that individuals could sue their employer when a disease alleged to be work-related manifests outside of workers’ compensation’s 300-week post-employment window of eligibility.

The PA Chamber does not dispute the Court’s conclusion that individuals in these circumstances ought to have a remedy against their employer. However, as a work-related injury, these claims should be directed to workers’ compensation. H.B. 1234 would create an additional 300-week window to file a claim after a disease with a long latency period is diagnosed and reaffirm workers’ compensation as the exclusive remedy.

This proposal is not without risk: a new workers’ compensation eligibility window means more claims, possibly higher insurance premiums and more opportunities for unscrupulous plaintiffs’ attorneys to manipulate the system. We urge lawmakers to work towards mitigating these concerns going forward.

That said, the PA Chamber supports this bill for all the reasons parties came together to create workers’ compensation in the first place, and we urge the Committee’s support. Please contact Alex Halper at [ahalper@pachamber.org](mailto:ahalper@pachamber.org) or 717-720-5471 with any questions or to discuss.